

Notice of Allowability

Application No.

09/719,464

Examiner

David B. Thomas

Applicant(s)

SEBILEAU, VINCENT

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interviews on 1/27/06 and 1/31/06.
2. ☒ The allowed claim(s) is/are 11-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


David B. Thomas
Primary Examiner
Art Unit 3723

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Sebileau, via translator, on 27 January and 31 January 2006.

The application has been amended as follows:

In the Claims:

1.-10. (canceled)

11. (new) An apparatus for opening containers with screw-off lids, the apparatus comprising:

a lid-wedging plate held by one hand on the lid to be unscrewed, the lid-wedging plate having on the plate's under surface, two walls, at right angles to the plate, and mounted to face each other at an angle to one another, respectively;

a connecting arm having a first end pivotally attached to the plate and a second free end, the plate further comprising an axle at a right angle to the plate;

the free end of the connecting arm further comprising:

a winding drum;

a handle operably connected to the winding drum; and,

a flexible ribbon forming a loop to encircle the container and mounted to the winding drum, said loop being closed where it is mounted on the winding

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drum, such that the flexible ribbon is wound up around the drum as it is rotated by the handle while the drum turns on an axle that is at a right angle to the plate at the free end of the connecting arm, where the rotation of the handle causes self-wedging of the lid under the plate as the flexible ribbon tightens around the container below the lid at the level of the necking just below its screw threads.

12. (new) The apparatus of claim 11, wherein at least one of the walls are adjustable to vary the spread between the walls to fit various diameters of screw-off lids.

13. (new) The apparatus of claim 11, wherein the lid-wedging plate further comprises an opening between the walls to allow the winding drum to move closer to small-diameter containers in order to rotate them.

14. (new) The apparatus of claim 11, wherein the first end of the connecting arm has an oblong slot, such that the distance between the axle of the connecting arm on the lid-wedging plate and the drum's axle can be variable by allowing the connecting arm to travel along the oblong slot.

15. (new) The apparatus of claim 11, wherein the connecting arm is divided into at least two segments joined to form an elbow joint in the plane of the lid-wedging plate.

16. (new) The apparatus of claim 16, further comprising a coil spring mounted between the second segment and the lid-wedging plate such that the second segment of the connecting arm is biased to return to a starting position.

17. (new) The apparatus of claim 11, wherein the lid-wedging plate further includes a handle extending opposite a working zone of the connecting arm, in order to hold the apparatus.

18. (new) The apparatus of claim 11, wherein the free end of the connecting arm further includes a belt winding guide in the form of a U-shaped member that straddles an upper and a lower end of the winding drum.

19. (new) The apparatus of claim 11, further comprising a coil spring mounted between the connecting arm and the lid-wedging plate such that the connecting arm is biased to return to a starting position.

20. (new) The apparatus of claim 11, further comprising a stop to prevent rotation of the handle, the stop being integrally mounted to the lid-wedging plate or the connecting arm.

2. The examiner proposed canceling claims 1-10, as well as proposed new claims 11-21, in the Final Office Action dated 01 September 2005. The applicant agreed to the proposed claims, with a minor addition to proposed claim 11, as well as choosing to dismiss proposed claim 13. Due to issues of formality raised by the applicant's response in the amendment after final dated 10 December 2005, e.g. insufficient fees, the amendment was not entered. The examiner's amendment embodied herein, combined with the applicant's payment for a two-month extension of time, rectifies any remaining formalities. The examiner believes that claims 11-20, as presented herein, are fully supported by and disclosed in the applicant's specification, and are allowable on their own merit.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (571) 272-4497. The examiner can normally be reached on 10-7 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David B. Thomas
Primary Examiner
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